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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,684	08/25/2003	Hans Ruiz		2906

7590
Windline, INC.
234 W. 146th Street
Gardena, CA 90248

10/11/2005

EXAMINER

ROWAN, KURT C

ART UNIT PAPER NUMBER

3643

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,684

Applicant(s)

RUIZ ET AL.

Examiner

Kurt Rowan

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-38 is/are pending in the application.
- 4a) Of the above claim(s) 19-21, 26, 27 and 29-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-25 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 19-21, 26-27, 29-37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 25, 2005.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the T-shaped extrusions, the circular C-shaped base must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 22-25, 28, 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

4. Claim 22 recites the limitation "the bottom" in line 2. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 22 recites the limitation "the top" in line 2. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 22 recites the limitation "the base" in line 2. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 23 recites the limitation "the slide brackets" in line 1. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 23 recites the limitation "the C-extrusion cavity" in line 2. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 24 recites the limitation "the slide brackets" in line 1. There is insufficient antecedent basis for this limitation in the claim.
10. Claim 24 recites the limitation "the cavity" in line 2. There is insufficient antecedent basis for this limitation in the claim.
11. Claim 24 recites the limitation "the C-extrusion" in line 2. There is insufficient antecedent basis for this limitation in the claim.
12. Claim 25 recites the limitation "the base" in line 1. There is insufficient antecedent basis for this limitation in the claim.
13. Claim 25 recites the limitation "the slide brackets" in line 1. There is insufficient antecedent basis for this limitation in the claim.
14. Claim 25 recites the limitation "the C-extrusion" in line 2. There is insufficient antecedent basis for this limitation in the claim.
15. Claim 28 recites the limitation "the T-shape face" in line 1. There is insufficient antecedent basis for this limitation in the claim.
16. Claim 28 recites the limitation "the slide bracket" in line 1. There is insufficient antecedent basis for this limitation in the claim.
17. Claim 28 recites the limitation "the rod holders" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.
18. Claim 38 recites the limitation "the single ridge" in line 1. There is insufficient antecedent basis for this limitation in the claim.

19. Claim 38 recites the limitation "the base" in line 1. There is insufficient antecedent basis for this limitation in the claim.
20. Claim 38 recites the limitation "the slide bracket" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macaluso.

The patent to Macaluso shows a slide bracket in Fig. 5 having a T-shaped extrusion 32, 66, 68, 70, with a circular base 42, 44, with a single ridge 48 on the bottom and a set screw 52, 56 on the top of the base. Macaluso shows one slide bracket, but it would have been obvious to have more than one for multiplied effect. See In Harza, 124 USPQ 378.

Claim Rejections - 35 USC § 102

23. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

24. Claims 25, 28, 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Macaluso.

The patent to Macaluso shows a single ridge 48 on the base 42, 44 of the slide bracket for the purpose of retaining a particular position within the C-extrusion. The T-shape face of the slide bracket enables the attachment of the rod holders and other accessories.


Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Boldia, Cummings, Miller, Shearer, Emory, McCann, Maudlin, Adams, Byford, and Fickett show other rod holders and fishing rod attachments .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is (571) 272-6893. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kurt Rowan
Primary Examiner
Art Unit 3643

KR